



COLORADO
Department of Transportation
Office of Policy and Government Relations

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MEMORANDUM

TO: Transportation Commissioners, Executive Director, Senior Management Team, Branch Managers, and Office Directors
FROM: Andy Karsian, Office of Policy & Government Relations
DATE: May 8, 2015
SUBJECT: 2015 Regular Session of the General Assembly: Final Report

Summary

On May 6, 2015, the General Assembly adjourned bringing the first part of the 70th legislative session to a close. Legislators introduced 592 bills and CDOT took positions on and monitored 49 measures impacting the department and transportation public policy. Table 1 summarizes all CDOT supported or opposed bills, as well as other key legislation affecting CDOT operations and personnel. This memorandum summarizes all bills with CDOT impacts that were debated during the session, with specific emphasis on the following policy areas:

- CDOT legislative agenda bills and budget (pages 2-3);
- transportation finance (page 3-4);
- state fuel tax (page 4);
- traffic and motor vehicle law (page 4);
- Off Highway Vehicles (page 5);
- public-private partnerships (page 5);
- bicycle/pedestrian (page 5);
- aviation (page 5);
- transit and rail (page 5);
- Administrative Procedure Act and rulemaking (page 6);
- state administration (page 6);
- PERA (page 6);
- storm water regulation (page 7);
- marijuana (page 7);
- special license plates (page 7);
- economic development (page 7);
- highway and bridge memorial naming resolutions (page 7).

If you have questions regarding this memorandum or legislation, please contact Andy Karsian at (303) 757-9703 or andy.karsian@state.co.us.



Table 1.
Key Legislation Impacting CDOT
2014 Regular Session

Bill Number	Short Title	Final Legislative Action	CDOT Position/Action
Supported Bills			
HB 15-1003	Safe Routes to School Funding	Postponed Indefinitely	Support
HB 15- 1043	Felony Offense For Repeat DUI Offenses	Enacted	Support
HB 15-1046	Highway Project Contract Amount Limit Waivers	Enacted	Support
HB 15-1109	Additional SB-228 Transfers	Postponed Indefinitely	Support
HB 15-1148	Transfer General Fund Surplus to State Highway Fund	Postponed Indefinitely	Support
HB 15-1173	Winter Driving I-70 Tread Depth and Tire Chains	Amended as TLRC study	Support
HB 15-1209*	CDOT Highway Maintenance Division	Enacted	Support
HB 15-1380	Hospital Provider Fee Enterprise	Postponed Indefinitely	Support
SB 15- 090*	Temporary Registration Document Standards	Enacted	Support
SB 15- 187*	HPTE Transportation Special Fund	Enacted	Support
Opposed Bills			
HB 15- 1014	Biennial Registration Seasonal Farm Motor Vehicles	Postponed Indefinitely	Oppose
HB 15- 1044	Periodic Legislative Review of Executive Branch Rules	Postponed Indefinitely	Oppose
HB 15- 1077	Modify Late Vehicle Registration Fee	Postponed Indefinitely	Oppose
SB 15 - 018	Repeal FASTER Fees	Postponed Indefinitely	Oppose
SB 15- 172	HPTE Accountability	Postponed Indefinitely	Oppose
SB 15- 272	Authorize New Transportation Bonds	Postponed Indefinitely	Oppose
SB 15- 275	Protections Information Provided General Assembly	Postponed Indefinitely	Oppose
Neutral with Concerns and Sought Amendments			
HB 15-1089	KEI Vehicle Registration	Postponed Indefinitely	Amended
SB 15- 1098	Red Light Camera Prohibition	Passed	Amended
HB 15-1115	Use of Unmanned Aerial Vehicles	Enacted	Amended
HB 15-1197	Indemnity in Public Contracts	Enacted	Amended

*CDOT legislative agenda bill.

CDOT Legislative Agenda Bills

This year, CDOT's legislative agenda included three bills, one budget decision item, and three capital requests. Five of those seven requests were approved by the General Assembly and became law. Two capital construction requests were not funded. Table 2 summarizes the full legislative agenda and outcomes from the session.

Table 2.
CDOT Legislative Agenda
2014 Session

Summary	Request Amount	Final Action
Bill Requests		
CDOT Highway Maintenance Division (HB1209)	n/a	Signed Into Law
Temporary Document Registration Standards (SB90)	n/a	Passed
HPTE Transportation Special Fund (SB187)	n/a	Signed Into Law
Budget Decision Item Requests		
Ensure Senate Bill 09-228 Transfers	\$106M	Approved
Capital Development Committee Requests		
Referendum C Annual Transfer to CDOT	\$500,000	\$500,000
Avalanche Control	\$2.8M	--
Genesee Bike Path	\$2.05M	--



House Bill 15-1209 (CDOT Highway Maintenance Division). House Bill 1209 cleans up state law to reflect the actual organizational structure of CDOT by eliminating the highway operations and maintenance division and incorporating its duties and functions into the highway maintenance division, which the bill creates as a statutory division under CDOT. The bill also clarifies powers and duties of the CDOT's executive director and chief engineer, and establishes the powers and duties of the director of the division of highway maintenance.

Senate Bill 15-090 (Temporary Registration Document Standards). Senate Bill 90 changes the location of the temporary license plate tags on motor vehicles from the rear window to the rear bumper. The new temporary license plates will be more durable and have additional identifying information to assist law enforcement. The new location also helps tolling technology accurately track vehicles using managed lanes. Finally, the bill creates a more efficient process for distribution of temporary license plates to the consumer, implementing the recommendations from a two year stakeholder process.

Senate Bill 15-187 (HPTE Transportation Special Fund). The Joint Budget Committee ran this CDOT priority bill that allows money loaned from the State Highway Fund to the High Performance Transportation Enterprise to be deposited into the Transportation Special Fund. Statute previously only allowed funds to be deposited into the Statewide Transportation Enterprise Operating Fund, which defeated the purpose of the loans set up to defray HPTE expenses prior to receipt of bonds or revenues.

Transportation Finance

House Bill 15-1014 (Biennial Registration Seasonal Farm Motor Vehicles). This bill would have allowed certain seasonal farm vehicles the ability to register every other year reducing CDOT FASTER fees. The bill died in House committee.

House Bill 15-1077 (Modify Motor Vehicle Late Fee). This bill would have set the FASTER registration late fee to a maximum of \$10.00. The current maximum late fee is \$100. There would have been a \$10.5M negative impact to CDOT. The bill died in House committee.

House Bill 15-1109 (Additional SB09-228 Transfers to HUTF and Capital Construction). This bill would have allowed for additional SB228 transfers to occur after the five year timeframe if during any future fiscal year the full amount of 228 funding was not transferred. The funding would continue until the entire amount of SB 228 funding was transferred. The bill died in House committee.

House Bill 15-1148 (Transfer General Fund Surplus to State Highway Fund). This bill sought to transfer all of the surplus funding above the TABOR limit to the State Highway Fund. The surplus funding, totaling around \$150M, would have helped CDOT's budget, however, the fiscal impact to other state departments would have been significant. The bill died in House committee.

House Bill 15-1261 (Maximum Reserve Cash Funds with Fee Revenue). This bill allows the state to monitor cash funds that receive revenue through fees and use the funding for the purpose of the fund and not hoarding uncommitted funds at the end of the year. The Highway User Trust Fund was included, but CDOT amended it out upon introduction as the HUTF does not fit the description of the other funds listed in the bill.

House Bill 15-1389 (Create New Hospital Fee Enterprise). This bill sought to classify the hospital provider fee revenue in Colorado's general fund as an enterprise. This would have removed these funds from the TABOR spending limit freeing up space to allow for hundreds of millions of dollars to be spent on existing programs. CDOT would have received additional 228 transfers because the TABOR limit would have been reduced. The bill died in Senate committee.

Senate Bill 15-018 (Repeal Late Vehicle Registration Fees). This bill would have repealed the FASTER late fees in statute. The revenue loss for CDOT would have been more than \$10M annually. The bill died in House committee.



Senate Bill 15-211 (Automatic Funding Through Capital Assets). This JBC bill implements an accounting method for State agencies to increase capital construction funds in the state. Each Department that receives an allocation of cash funds for a capital construction project will figure out an annual depreciation-lease equivalent payment through the operating budget equal to the depreciation of the capital asset acquired. The controller will then credit the depreciation-lease equivalent to the capital construction fund for future use for that agency.

Senate Bill 15-272 (Authorize New Transportation Bonds). SB 272 sought to ask voters to approve \$3.5B in bonds for transportation projects around the state. CDOT would have pledged half of their federal gas tax revenues for the bonds; however, no new money was identified in the bill to cover the maintenance of existing infrastructure. The bill died in House committee.

State Fuel Tax

House Bill 15-1012 (Sales and Use Tax Exemption for Dyed Diesel). Currently dyed diesel is exempt from state sales and use tax. This bill allowed for all dyed diesel to be exempt resulting in a negligible fiscal impact on the state.

Traffic and Motor Vehicle Law

House Bill 15-1043 (Felony Offense for Repeat DUI Offenders). This bill establishes a comprehensive approach towards repeat DUI offenders. After one DUI, offenders receive mandatory classes and fines, the second DUI requires a two year interlock device on their car, the third could include community corrections with treatment and testing, and the fourth would be a class 4 felony with jail time. This bill was a Governor's priority for the session.

House Bill 15-1068 (Motor Vehicle Impeding Traffic). This bill would have created a legal presumption that a vehicle is impeding traffic if there were four vehicles behind it and the vehicle was travelling five miles or more under the speed limit. The bill died in House committee.

House Bill 15-1089 (Register and Title Kei Vehicles). This bill would have allowed Kei vehicles (small trucks from Japan) to be registered and titled for Colorado roadways. The bill died in committee largely because there was no agreement on how to sell the vehicles and license the two people in the state selling the vehicles.

House Bill 15-1098 (Red Light Cameras). One of two red light camera bills this session, this bill requires local governments currently not using red light cameras to ask for voter permission beforehand, and those that are using them ask voters for permission by the 2016 election. CDOT and E470 amended the bill to include language protecting cameras used for tolling vehicle identification.

House Bill 15-1173 (Requirement for Tire Treads and Traction Devices on I-70). Stakeholders brought this consensus bill that would have required tires to have a 1/8 inch tire tread or a CDOT approved traction control device when driving in winter weather along the I-70 corridor between Morrison and Dotsero. The bill was changed to an interim study in the Senate.

Senate Bill 15-276 (Eliminating Red Light Cameras). This bill bans governmental entities from using red light cameras for traffic safety enforcement. CDOT amended language into the bill that allows for tolling cameras to continue in the state. This bill contradicts HB 1098, which states governmental entity wishing to use these cameras will have to ask the voters for permission.

Senate Bill 15-286 (Repeal the Motorcycle Operator Training Program). This bill would have struck all the fees associated with the MOST program CDOT administers. In doing so the bill would have removed the CDOT program and allowed the training vendors to self-regulate.



Off Highway Vehicles

House Bill 15-1054 (Off-Highway Vehicle Roadway Registration). This bill would have allowed OHVs to be titled, registered and allowed on county roads throughout Colorado. State Patrol and CDOT held concerns about the safety of these vehicles and young drivers operating them. The bill died in House committee.

Senate Bill 15-023 (Off Highway Vehicle State Highway Crossings). This bill allows OHVs to cross state highways at graded crossings and signed intersections. They still are not allowed to cross highways with speed limits above 50 mph.

Public Project Contracting

House Bill 15-1046 (Highway Project Contract Amount Limit Waiver). Current state law requires CDOT to re-advertise bids where the Department received fewer than three bids. This bill allows the Department, under certain circumstances, to approve these low bid contracts.

House Bill 15-1197 (Indemnity in Public Construction Contracting). This bill began as a broad attempt at limiting specific contract indemnity clauses in public works contracts. CDOT worked with the sponsor and amended the bill to protect CDOT's contracting and dispute resolution process.

Public-Private Partnerships

Senate Bill 15-172 (High-performance Transportation Enterprise Accountability). This bill mirrored prior year attempts at placing additional requirements on HPTE projects for transparency. The bill would have required Senate confirmation for HPTE board members, additional town hall meetings, and even more reporting requirements for the HPTE. The bill died in Senate committee.

Bicycle/Pedestrian

House Bill 15-1003 (Safe Routes to School Program State Funding). CDOT now administers the Safe Routes to School program, which the federal government stopped funding in 2013. The state dedicated general funds for the program and this bill sought an additional \$700K general fund money. The original bill required CDOT to use \$3M of Department funding for the program, but the sponsor amended it to ask for the money from the general fund for non-infrastructure programs. The bill died in Senate committee.

Senate Bill 15-081 (Use Lottery Money for Recreational Bicycle Trails). This bill would have used lottery funds for bicycle paths. CDOT had concerns about the Department's maintenance responsibilities for paths in CDOT's right of ways, and whether legally lottery funds could be dedicated for this purpose. The bill died in Senate committee.

Aviation

House Bill 15-1115 (Use of Unmanned Aerial Vehicles). In recent years, more unmanned aerial vehicles (UAV) are being sold creating privacy concerns. This bill defined parameters on what would be allowed under law for public and private UAV use. The initial bill was broad and inadvertently captured law enforcement and other safety uses. Although the bill was amended significantly, it still did not cross the finish line and was postponed until after the end of session.

Transit and Rail

Senate Bill 15-176 (Southwest Chief Rail Commission Spending Authority). This bill would have removed the requirement for Kansas and New Mexico to agree on financial contributions prior to the Southwest Chief Rail Line Economic Development Commission spending money on development and maintenance. It also asked Amtrak to consider adding a rail stop in Pueblo and would require Amtrak and BNSF railroads to commit in writing to spending \$16M in repairs on the line. The bill died in Senate Appropriations.



State Administrative Procedure Act

House Bill 15-1044 (Periodic Legislative Review of Executive Branch Rules). This bill would have required a wholesale policy and legal review of state rules. CDOT already complies with the requirements of the bill, however, the bill put an unreasonable four year timeframe for completing the rules review. The bill died in House committee.

House Bill 15-1110 (Review of Principle State Departments) This bill would have required the Office of State Planning and Budget to perform audits and reviews of the various state agencies and make a recommendation on whether the department should continue, terminate or reestablish itself. The bill died in House committee.

Senate Bill 15-180 (Regulatory Reform Act 2015). This bill established a process for small businesses to receive information about state department rules. If a small business violated a new rule, a state agency would be required to issue a written warning and engage the business in educational outreach. The bill died in House committee.

Senate Bill 15-275 (Protections on Information Provided to the General Assembly). SB 275 created protections for legislators who received information from outside sources, possibly whistleblowers. The bill provided the ability for legislators to receive confidential health information, as well as, any confidential information, trustworthy or not. State departments worked hard to amend this bill so as to protect the confidential information collected from a variety of programs providing services to citizens. The bill died in the Senate.

State Administration

House Bill 15-1392 (Payroll System to Pay State Employees Twice a Month). In July 2017, the Executive Branch would move to a statewide system that will modernize payroll. The bill being proposed would move all State employees to a semi-monthly "lag-pay" cycle beginning in 2017. All employees will be paid twice a month beginning in FY17.

Senate Bill 15-134 (Energy Cost-Savings Contracts for Fleet Vehicles). This bill would have allowed more flexibility for state agencies in calculating annual cost payments on a vehicle fleet operational and fuel cost-savings contract. This bill did apply to CDOT's fleet as the Department is not planning on entering in to new energy cost saving contracts with a third party. The bill died in Senate committee.

Public Employee Retirement Account (PERA)

House Bill 15-1055 (Participation in State Employee Participation Programs). The bill clarifies that the dependent of a state employee is not eligible to be the sole and direct recipient of services from an employee assistance program, but that the program may allow the participation of a state employee's dependent or any other person who is not a state employee in an employee assistance program if such participation is necessary to provide effective counseling and assistance to a state employee.

Senate Bill 15-080 (Participation in PERA's Defined Contribution Plan). Currently, only certain state employees may participate in PERA's defined contribution plan. This bill allows all employees of a PERA-eligible employer to have the option of the defined contribution plan. There could have been a significant impact to the other PERA plans in the future. The bill passed the Senate, but died in House State Affairs.

Senate Bill 15-097 (Supplemental Needs Trust for Certain PERA Benefits). The bill allows a PERA retiree to designate a supplemental needs trust as a co-beneficiary eligible to receive a continuing benefit upon the PERA retiree's death. The bill also states that a supplemental needs trust is an eligible survivor under PERA law and able to receive PERA survivor benefits as provided under the PERA law and rules.



Storm Water

Senate Bill 15-212 (Storm Water Facilities not Injure Water Rights). Under current administrative practice, facilities that are designed to detain storm water for environmental and public safety purposes may be required to release water to avoid injury to water rights. The bill specifies that storm water detention and infiltration facilities and post-wild land fire facilities do not injure water rights. With a CDOT amendment, the bill now does not apply to the 350 different types of storm water facilities the Department manages.

Marijuana

House Bill 15-1090 (County Retail Marijuana Retail Impacts). This bill took 30% off the top from the Marijuana Tax Cash Fund for grants to counties looking for help with the impacts of marijuana. CDOT monitored the bill to protect the funding that comes to the Department for public relations works on driving high. The bill died in House committee.

Senate Bill 15-014 (Medical Marijuana Regulations). This bill updated many of the regulations surrounding medical marijuana. CDOT monitored the bill to protect the funding that comes to the Department for public relations works on driving high.

Special License Plates

House Bill 15-1004 (Firefighter Motorcycle License Plates). This bill adds motorcycles to the list of vehicles in which firefighters may apply to receive special plates. CDOT tracks license plate bills to ensure the correct portion of the fee is credited to the HUTF. The bill passed both Houses.

House Bill 15-1026 (Reserved Parking Disabled Military License Plate). The bill allows any military license plate to have an identifying figure for handicapped parking if the applicant demonstrates a physical impairment affecting mobility.

Economic Development

Senate Bill 15-179 (US Highway 50 Economic Benefits Study). This bill asked CDOT to conduct a study of economic benefits provided by US-50 between the Kansas border and US-285, as well as opportunities to increase those benefits. The bill died in Senate Committee, however, CDOT committed publically to assisting with a study over the interim.

Highway and Bridge Naming Resolutions

Senate Joint Resolution 15-014 (Costilla County Veterans Memorial Highway). This resolution named Colorado State Highway 159 beginning at the intersection of the highway with U.S. Highway 160 and south to the New Mexico state line the "Costilla County Veterans Memorial Highway"

House Joint Resolution 1-1012 (The JCSO Sargent David M Baldwin Memorial Highway). House Joint Resolution 15-1012 designates Colorado State Highway 93 from Mile Marker 0 to Colorado State Highway 72 the "JCSO Sergeant David M. Baldwin Memorial Highway".

House Joint Resolution 15-1024 (US Army Ranger Christopher A. Horns Memorial Highway). The portion of Highway 96 from mile marker 7 to mile marker 8, in between Westcliffe, Colorado, and Wetmore, Colorado, is now renamed the "U.S. Army Ranger Christopher A. Horns Memorial Highway".

